



R-CALF USA

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**Re: R-CALF USA Comments on Mandatory Country of Origin Labeling
of Fish and Shellfish: Interim Final Rule with Request for Comments
(Docket No. LS-03-04)**

Dear Administrator:

The Rancher-Cattlemen Action Legal Fund-United Stockgrowers of America (R-CALF USA) is pleased to have the opportunity to submit comments in response to the Agricultural Marketing Service's (Agency's) Interim Final Rule for Fish and Shellfish.

R-CALF USA represents U.S. cattle producers on domestic and international trade and marketing issues. R-CALF USA, a national, non-profit organization, is dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. R-CALF USA's membership consists primarily of cow-calf operators, cattle backgrounders, and feedlot owners. Its members - over 12,000 strong - are located in 46 states, and the organization has over 60 local and state association affiliates, from both cattle and farm organizations. Various main street businesses are associate members of R-CALF USA.

Introduction

R-CALF USA appreciates the efforts of the agency to address some of the concerns raised in R-CALF USA's February 27, 2004 comments. R-CALF USA submits these comments for purposes of identifying the implementation provisions contained within the Agency's fish and shellfish interim rules that can also be readily applied to the forthcoming rules for beef, ground beef, and other meat products.

Recordkeeping Requirements and Responsibilities:

R-CALF USA is pleased that the Agency is allowing those engaged in the business of supplying a covered commodity (i.e., harvesters, producers, distributors, handlers, etc.) to make available information to the subsequent purchaser about the country or countries of origin of the covered commodity.

R-CALF USA is also pleased that the Agency has reduced recordkeeping retention requirements for retailers, and has reduced the burden of those engaged in the business of supplying a covered commodity to a retailer. In particular, R-CALF USA supports the requirement of maintaining records to establish and identify the immediate previous source (if applicable) and immediate subsequent recipient of a covered commodity, in such a way that identifies the product unique to that transaction by means of a lot number or other unique identifier, for a period of one year from the date of transaction.

Processed Food Item

R-CALF USA is disappointed with the agency's definition of a processed food item. As stated in its February 27, 2004 comments, R-CALF USA believes the Agency's use of the National Organic Program's definition of processing would exclude a covered commodity because "slaughtering, cutting, and chilling were examples of "processing." The Act clearly states that the term covered commodity does not include an item "If the item is an ingredient in a processed food item." The fact that an item *is* a processed food item does not exclude the item from labeling under the Act.

R-CALF USA suggests the Agency abandon its definitions of "ingredient," "material change," and "processed food item." R-CALF USA suggests the following definition: "Processed food item ingredient" means a covered commodity that is commingled, mixed or incorporated with one or more covered or non-covered commodities to create a food item distinct from any of its separate ingredients. A covered commodity that is cooked, cured, roasted, restructured, salted, flavored seasoned, breaded, or otherwise enhanced does not meet the definition of a " processed food item ingredient."

Self-certification

R-CALF USA compliments the Agency on not requiring affidavits for purposes of verifying country of origin labeling claims.

Acknowledged Benefits

R-CALF USA agrees with the Agency that the interim rule will provide benefits to those consumers who have an interest in knowing the country of origin of the fish and shellfish they purchase. R-CALF USA believes that this consumer interest in country of origin labeling is equally applicable to beef, ground beef, and other meat products.

Voluntary Country of Origin Labeling

The Agency asserted that “there was no compelling market failure argument regarding the provision of country of origin information,” and stated that its “conclusion stemmed from a lack of evidence of barriers to private provision of voluntary COOL should consumer demand support the increased costs of such labeling.” However, it is R-CALF USA’s belief that the question of whether there is a compelling need for mandatory country of origin labeling, and further that a mandatory program was preferable to a voluntary program, was both asked and answered by the appropriate branch of government responsible for determining what laws are needed to maintain the health, safety, and welfare of the people of the United State – the United States Congress.

R-CALF USA appreciates the opportunity to submit the foregoing comments.

Sincerely,

Danni Beer
COOL Committee Chair
R-CALF USA